



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,602	04/01/2002	Frank Rosset	A56.12-0001	8449
7590	05/31/2005		EXAMINER	
Westman Champlin & Kelly International Centre Suite 1600 900 Second Avenue South Minneapolis, MN 55402-2319			BADI, BEHRANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/018,602	ROSSET ET AL.	
	Examiner	Art Unit	
	Behrang Badii	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Response to Arguments

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Also, in response to the applicant that none of the references teach or suggest, either separately or in combination, identification of a mobile object in combination with the authentication of the user of the mobile object using a microphone, Booton discusses a mobile telephone (which includes a microphone) (col.1, 38-40) and Talmor discloses authentication of a user based on voice verification using a microphone (col.3, 57-62; col.1, 38-55).

DETAILED ACTION

Claims 1-10 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Booton, U.S. patent 6,337,857 or Litman, U.S. patent 6,053,406 and further in view of Talmor et al. U.S. patent 6,510,415. Booton or Litman disclose a method/system enabling a user of a communications network, having a microphone connected to said communications network, to be securely and rapidly identified by another user of said communications network, notably a provider-user providing services to said user; said method/system comprising the following steps:

the provider-user makes available to each of the relevant users, a mobile object, notably a card with the credit card format, customized by identifiers specific to each user and to each mobile object(Booton, col. 8, lines 20-43) and (Litman, col. 10, lines 58-67; col. 11, lines 1-46),

said mobile object emits short identification acoustical, when it is actuated by the user, notably by means of a button(Booton, col. 8, lines 20-43) and (Litman, col. 10, lines 58-67; col. 11, lines 1-46),

the identification acoustical signals are received by the microphone and converted into electrical signals, before being transmitted via the communications network to the computer department of the provider-user (Booton, col. 8, lines 20-43) and (Litman, col. 10, lines 58-67; col. 11, lines 1-46). Neither Booton nor Litman disclose the computer department of the provider-user extracting from the received electrical signals, the location of the area of the data base containing the identifiers and the voice print of the relevant user having emitted said identification acoustical signals by actuating said mobile object,

the user emits in clear a series of phonemes, by means of said microphone
said phonemes are processed by voice recognition means after the transmission
to the computer department of the provider-user, via the communications network, and
the resulting signal is compared with said voice print of the relevant user, located at said
location of the area of the database containing the voice print of the relevant user.

Talmor et al. discloses the computer department of the provider-user managing a
data base containing the voice prints of the user (col. 6, lines 25-33; col. 9, lines 51-57),
the computer department of the provider-user extracts from the received
electrical signals, the location (voice print grouping) of the area of the data base
containing the identifiers and the voice print of the relevant user having emitted said
identification acoustical signals by actuating said mobile object (col. 10, lines 60-67;
col. 11, lines 1-2),

the user emits in clear a series of phonemes, by means of said microphone
(col. 8, lines 63-67; col. 9, lines 1-2)

said phonemes are processed by voice recognition means after the
transmission to the computer department of the provider-user, via the communications
network, and (col. 1, lines 38-47; col. 2, lines 1-5)

the resulting signal is compared with said voice print of the relevant user, located
at said location of the area of the database containing the voice print of the relevant
user (col. 6, lines 25-33; col. 9, lines 51-57, col. 1, lines 38-47; col. 2, lines 1-5).

It would have been obvious to modify Booton or Litman to include the computer department of the provider-user managing a data base containing the voice prints of the user,

the computer department of the provider-user extracts from the received electrical signals, the location of the area of the data base containing the identifiers and the voice print of the relevant user having emitted said identification acoustical signals by actuating said mobile object,

the user emits in clear a series of phonemes, by means of said microphone said phonemes are processed by voice recognition means after the transmission to the computer department of the provider-user, via the communications network, and

the resulting signal is compared with said voice print of the relevant user, located at said location of the area of the database containing the voice print of the relevant user such as that taught by Talmor et al. in order to prevent fraudulent activities from occurring by having two steps for security in place to identify the correct user.

Claims 2, 7 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Booton or Litman in view of Talmor et al. as applied to claim 1 and 6 above, and further in view of Sekine et al., U.S. patent 5,822,438. Booton or Litman in view of Talmor et al. disclose a method/system enabling a user of a communications network, having a microphone connected to said communications network, to be securely and rapidly identified by another user of said communications network, notably a provider-

user providing services to said user as described above. Booton or Litman in view of Talmor et al. do not disclose either signals emitted by the card as being invariable or the transmission of phonemes to a loud speaker located in the vicinity of the user. Sekine discloses signals emitted to be invariable (col. 13, lines 61-67; col. 14, lines 1-13) and the transmission of phonemes to a loud speaker located in the vicinity of the user (abstract, fig.1). It would have been obvious to modify Booton or Litman to include the signals emitted to be invariable and for the transmission of phonemes to a loud speaker such as that taught by Sekine or Grant or Suzuki or Rabiner in order to make the job of the provider in identifying the user more systematic and the process of listening to the said phonemes practical through a loud speaker.

Claim 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Booton or Litman in view of Talmor et al. as applied to claim 1 and 6 above, and further in view of Iliff, U.S. patent 6,748,353 or Powell, U.S. patent 5,991,617. Booton or Litman in view of Talmor et al. disclose a method/system enabling a user of a communications network, having a microphone connected to said communications network, to be securely and rapidly identified by another user of said communications network, notably a provider-user providing services to said user as described above. Booton or Litman in view of Talmor et al. do not disclose voice print is recorded in said data base during initialization of the mobile object. Iliff(col. 32, lines 24-35) or Powell(col. 3, lines 48-58) discloses the recording of voice prints. It would have been obvious to modify Booton or Litman in include the recording of voice

prints such as that taught by Iliff or Powell in order to record the voice record into the data base for future use in the comparison of users' voices to identify the correct user.

Claims 4, 5 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Booton or Litman in view of Talmor et al. as applied to claim 1 and 6 above, and further in view of Chang et al., U.S. patent 6,073,094. Booton or Litman in view of Talmor et al. disclose a method/system enabling a user of a communications network, having a microphone connected to said communications network, to be securely and rapidly identified by another user of said communications network, notably a provider-user providing services to said user as described above. Booton or Litman in view of Talmor et al. do not disclose phonemes being predetermined or phonemes being defined by the computer department of the provider-user and repeated by the user in the microphone during the identification phase. Change et al. discloses phonemes being predetermined or phonemes being defined by the computer department of the provider-user and repeated by the user in the microphone during the identification phase (col. 10, lines 15-36). It would have been obvious to modify Booton or Litman to include phonemes being predetermined or phonemes being defined by the computer department of the provider-user and repeated by the user in the microphone during the identification phase such as that taught by Chang et al. in order to for the user to know what sounds to speak into the system such that the system can locate the said sound for identification purposes.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to (703)872-9306

Hand delivered responses should be brought to

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (703) 306-5771.

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Behrang Badii
Patent Examiner
Art Unit 3621

BB